

By: Capriglione

H.B. No. 2962

A BILL TO BE ENTITLED

AN ACT

relating to reporting requirements by health care practitioners and certain health care facilities for abortion complications; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 171, Health and Safety Code, is amended by adding Section 171.006 to read as follows:

Sec. 171.006. ABORTION COMPLICATION REPORTING REQUIREMENTS; CRIMINAL OFFENSE. (a) In this section:

(1) "Abortion complication" means a harmful event or negative outcome with respect to a patient related to an abortion that is performed on the patient and that is diagnosed or treated by a health care practitioner or at a health care facility and includes:

(A) shock;

(B) uterine perforation;

(C) cervical laceration;

(D) hemorrhage;

(E) aspiration or allergic response;

(F) infection;

(G) sepsis;

(H) death of the patient;

(I) incomplete abortion;

(J) damage to the uterus; or

1                   (K) an infant born alive after the abortion.

2                   (2) "Facility" means a hospital, public health clinic,  
3 birthing center, outpatient clinic, community health center,  
4 abortion facility, freestanding emergency medical care facility,  
5 or health care facility that provides emergency medical care, as  
6 defined by Section 773.003.

7                   (b) Each facility shall submit to the department in the form  
8 and manner prescribed by department rule a quarterly report on each  
9 abortion complication diagnosed or treated at the facility.

10                  (c) Each health care practitioner providing diagnosis of or  
11 treatment for an abortion complication shall submit to the  
12 department in the form and manner prescribed by department rule an  
13 abortion complication report not later than the 30th day after the  
14 date the complication is diagnosed or treatment is provided for the  
15 abortion complication.

16                  (d) The department shall develop a form for reporting an  
17 abortion complication under Subsection (b) or (c) and publish the  
18 form on the department's Internet website.

19                  (e) A report submitted under this section may not identify  
20 by any means the physician performing an abortion or the patient.

21                  (f) A report submitted under this section must include, if  
22 known, for each abortion complication:

23                   (1) the date of the abortion that caused or may have  
24 caused the complication;

25                   (2) the type of abortion that caused or may have caused  
26 the complication;

27                   (3) the gestational age of the fetus when the abortion

1 was performed;

2 (4) the name and type of facility in which the abortion  
3 was performed;

4 (5) the date the complication was diagnosed or  
5 treated;

6 (6) the name and type of facility in which the  
7 complication was diagnosed or treated;

8 (7) a description of the complication;

9 (8) the number of previous live births of the patient;

10 and

11 (9) the number of previous induced abortions of the  
12 patient.

13 (g) Except as provided by Section 245.023, all information  
14 and records held by the department under this section are  
15 confidential and are not open records for the purposes of Chapter  
16 552, Government Code. That information may not be released or made  
17 public on subpoena or otherwise, except that release may be made:

18 (1) for statistical purposes, but only if a person,  
19 patient, or facility is not identified;

20 (2) with the consent of each person, patient, and  
21 facility identified in the information released;

22 (3) to medical personnel, appropriate state agencies,  
23 or county and district courts to enforce this chapter; or

24 (4) to appropriate state licensing boards to enforce  
25 state licensing laws.

26 (h) A report submitted under this section must meet the  
27 federal reporting requirements that mandate the most specific,

1 accurate, and complete coding and reporting for the highest level  
2 of specificity.

3 (i) A health care practitioner commits an offense if the  
4 practitioner violates this section. An offense under this  
5 subsection is a Class A misdemeanor.

6 (j) A violation of this section constitutes cause for the  
7 revocation or suspension of a health care facility's or health care  
8 practitioner's license, permit, registration, certificate, or  
9 other authority or for other disciplinary action against a facility  
10 or health care practitioner by the appropriate state regulatory  
11 board.

12 SECTION 2. Not later than January 1, 2018:

13 (1) the Department of State Health Services shall  
14 develop the forms required by Section 171.006, Health and Safety  
15 Code, as added by this Act; and

16 (2) the executive commissioner of the Health and Human  
17 Services Commission shall adopt the rules necessary to implement  
18 Section 171.006, Health and Safety Code, as added by this Act.

19 SECTION 3. This Act takes effect September 1, 2017.